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Attorneys for Defendant Joseph A. Ripp

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff,

V.

JOHN MICHAEL KELLY, STEVEN E. RINDNER, JOSEPH A. RIPP, and MARK WOVSANIKER,

Defendants.

08 Civ. 4612 (SWK)
ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Gregory G. Little dated September 5, 2008, including the exhibits thereto, the Memorandum of Law in Support, and all prior pleadings and proceedings had herein, Defendant Joseph A. Ripp will move this Court, before Judge Shirley Wohl Kram, in Room 760, United States Courthouse, 500 Pearl Street, New

York, New York, 10007, for an order dismissing the complaint pursuant to Fed. R. Civ. P.

12(b)(6), and for such other and further relief as the Court may deem just and proper.

Dated: September 5, 2008
New York, New York

HUNTON & WILLIAMS LLP

BY: /s/ Gregory G. Little
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TO: All Counsel of Record

DECLARATION OF SERVICE

Raymond E. Galbraith hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

I am a Litigation Paralegal at the law firm of Hunton & Williams LLP, attorneys for Defendant Joseph A. Ripp.

That on September 5, 2008, I served a true and correct copy of the foregoing Notice of Motion, on counsel of record via the Court's ECF System.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 5, 2008.

/s/ Raymond E. Galbraith
Raymond E. Galbraith

TO: All Counsel of Record